



COMMONWEALTH of VIRGINIA  
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December 17, 2007

Elizabeth Scott Russell  
Executive Director  
Virginia Board of Pharmacy  
9960 Mayland Drive, Suite 300  
Richmond, VA 23233

**RE: 18VAC110-30-10 et seq. Regulations Governing Physicians Selling Drugs**

Dear Ms. Russell:

You have asked whether the proposed changes to the above-cited regulations are exempt from the operation of Article 2 of the Administrative Process Act.

The proposed amendment to eliminate the inactive fee for physicians selling drugs is exempt in accordance with § 2.2-4006 A 7, which provides an exemption for: "*Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.*"

Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate this exempt regulation with the Registrar of Regulations.

Sincerely,

A handwritten signature in black ink, appearing to be "C. J. Yeatts", written over a light blue background.

Senior Assistant Attorney General

c: Elaine J. Yeatts, Agency Regulatory Coordinator  
Department of Health Professions